

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CEDRIC IVORY,

Petitioner,

v.

CASE NO. 04-CV-71279-DT  
HONORABLE VICTORIA A. ROBERTS

ANDREW JACKSON,

Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR LEAVE  
TO PROCEED IN FORMA PAUPERIS ON APPEAL**

This matter is before the Court on Petitioner's motion for leave to proceed *in forma pauperis* on appeal regarding the Court's denial of his motion for relief from judgment brought pursuant to Federal Rule of Civil Procedure 60(b) (and denial of reconsideration regarding that motion) arising from the Court's denial of his habeas petition in 2005. A court may grant leave to proceed *in forma pauperis* if it finds that an appeal is being taken in good faith. 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a); *Foster v. Ludwick*, 208 F. Supp. 2d 750, 764-65 (E.D. Mich. 2002). "Good faith" requires a showing that the issues are not frivolous; it does not require a showing of probable success on the merits. *Foster*, 208 F. Supp. 2d at 765. Having considered the matter, the Court finds that any appeal regarding the denial of Petitioner's post-judgment motions would be frivolous and cannot be taken in good faith. Accordingly, the Court **DENIES** Petitioner's motion. This case is **CLOSED**. No further pleadings should be filed in this matter.

**IT IS SO ORDERED.**

S/Victoria A. Roberts

Victoria A. Roberts  
United States District Judge

Dated: February 14, 2012

The undersigned certifies that a copy of this document was served on the attorneys of record and Cederick Ivory by electronic means or U.S. Mail on February 14, 2012.

S/Linda Vertriest  
Deputy Clerk